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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/234,255	01/20/1999	STEVEN L. WEBB	10980134-1	6354

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EXAMINER

JOSEPH, THOMAS J

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/234,255

Applicant(s)

WEBB ET AL.

Examiner

Thomas J Joseph

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 10 is objected to because of the following informalities: Claim 10, which cites, "... progressively reveling information" should read, "... progressively revealing information ...". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5, 6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable Marks (US 6,097,390) and Nielsen (US 6,337,699).

Claim 1 is rejected. The Applicant cites, "a progress area used to indicate the progress of a process being monitored" while Marks demonstrates a window wherein the user can monitor the progress of a process (fig. 3; col. 3, lines 10 – 14). Both provide graphical areas for tracking progress. This is "a progress indicator that progressively divides the progress area into a first part of the progress area and a second part of the progress area, where the first part of the progress area corresponds to the amount of completion of the process being monitored," as cited by the Applicant. Marks teaches an indicator within the display bar designated for tracking progress (fig. 3; col. 3, lines 10 – 14). The area located left of the said indicator is used for tracking completion. Marks further teaches information, in addition to the progress of the

process, progressively becoming visible in the first part the progress area as the first part of the progress area becomes larger (fig. 3; col. 3, lines 10 – 14). As the process progresses, the progress area becomes larger. Marks fails to teach areas containing information regarding the data being processed.

Nielsen teaches display areas containing information associated with the tracking the progress of a process (fig. 3a – 3d; col. 4, lines 63 – 68; col. 5, lines 1 – 13).

Nielsen teaching for tracking progress includes a degree of fill of the interior space (fig. 2). This information on the window graphic such as an icon is a part of the said first section of the progress area when the progress area covers the entire window.

Graphics are used for representing information changes indicating to the user that progress has been achieved. It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the information for the graphical process area taught by Marks with the progress graphic disclosed by Nielsen. Doing so provides the user with a method for tracking the movement of relevant information through a computing process.

Claim 2 is rejected. Marks teaches a progress area in the form of a rectangle (fig. 3; col. 5 – 15). The “progress indicator” bar takes on the form of a rectangle.

Claims 3 and 4 are rejected. Marks suggest, teach, or demonstrate the displaying the flow of data using a partly circular or partly elliptical display (fig. 4a, 5a, 4c, 5c).

Claim 5 is rejected. Marks teaches the first part of the progress area in a first color and the second part of a progress area in a second color and the progress

indicator defined by the change in color between the first and second part of the progress bar (fig. 3; col. 5 – 15). The portion of the “progress indicator” bar indicating the portion of the process having been completed is darker than the remaining portion of the said “progress indicator” bar. This darkening is a change in color.

Claim 6 is rejected. Marks teaches a progress indicator being a line dividing the first part of the progress area from the second part of the progress area (fig. 3; col. 5 – 15). The vertical line found within the indicator bar is the “line” dividing the first part of the progress area from the second part of the progress area. This “line” is the actual progress indicator.

Claim 8 is rejected. Marks demonstrates in the figure a progress indicator that moves in a linear direction (fig. 3; col. 5 – 15).

Claim 9 is rejected. Marks teach an indicator that can be considered angular (fig. 4a, 5a, 4c, 5c). The cursor like progress indicators taught by Marks uses an angle based symbol to indicate to the user progress.

Claim 10 is rejected. Marks and Nielsen teach the rationale claim 10 in rejected claim 1. Marks teaches a progress bar where progression is displayed (fig. 3; col. 5 – 15). When the process is completed, the system stops processing (fig. 3; col. 5 – 15). The hourglass graphic demonstrates stopping when the sand falls to the lower section (fig. 6b, 7b, 8b). This demonstration teaches a repeating of “steps c and d until the process being monitored has been completed” as cited by the Applicant.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marks (US 6,097,390) and Nielsen (US 6,337,699) as applied to claim 1 above, and further in view of MS Outlook 97.

Claim 7 is rejected. Marks and Nielsen fail to teach any type of uncovering that is the next line of text in a story. MS Outlook calendar provides a scroll bar that allows for the progressing through a calendar wherein the user can view a history (p. 23). The Applicant fails to describe the type of "story " accessed. Activating the scroll feature does bring about a procession of progress. It would have been obvious to one with ordinary skill in the art at the time of the invention to uncover the next line of a text in a story as taught by Outlook with the method for tracking progress using a progress indicator disclosed by Marks and Nielsen. Doing so allows the user to view forthcoming events.

### ***Response to Arguments***

5. Applicant's arguments filed 6-17-2002 have been fully considered. The Applicant responds to the 35 USC 103 rejections of claims 1 – 10 by amending claims 1 and 10 then requesting reconsideration of the rejections of claims 2 – 9.

The applicant responds to the rejection of claim 1. The Applicant asserts that neither Marks nor Nielsen teach allowing information to progressively become visible in the first part of the progress area. Further, the Applicant asserts that neither Marks nor Nielsen teach progressively revealing information in the first part of the progress area as disclosed in claim 10. The Examiner responds by stating that Marks does teach progressively revealing information in the first part of the progress area. Progressively

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revealing information includes movement, coloring, symbolism, etc. of graphics in addition to the display of alphanumeric data. The Applicant states that the rejection of claims 2 – 9 should be withdrawn using the same grounds as claims 1 and 10.

Additional reasoning is not given. Due to at least the above reasons, the rejection of claims 1 – 10 remains standing.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Joseph whose telephone number is 703-305-3917. The examiner can normally be reached on Mondays through Fridays from 7:30 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

tjj

February 21, 2003



*Kristine Kincaid*  
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